

SIXTY-EIGHTH DAY

(Continued)

(Tuesday, May 26, 1953)

After Recess

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

Senate Resolution 304

Senator Moffett offered the following resolution:

S. R. No. 304, Relating to investigation of proper control of livestock diseases.

Whereas, The raising of livestock in this State is a major industry affecting the economic welfare and prosperity of several million people; and

Whereas, The southern border of this State is coextensive with several hundred miles of the international boundary line of the United States; and

Whereas, The coastal area of Texas embraces several seaports through which foreign commerce is channeled in heavy volume; and

Whereas, These conditions, as well as interstate transportation of livestock within the United States, create a constant hazard leading to the outbreak of livestock diseases of a serious character. Some of these diseases, such as vesicular exanthema and foot and mouth disease, are extremely disastrous to the livestock industry, and are also difficult to curb and eradicate, thus creating the necessity for stringent control measures under careful supervision; and

Whereas, The Federal Government through various statutes and agencies offers some degree of financial assistance, ranging up to 50% of total livestock monetary losses in certain instances and under certain conditions of cooperation between it and the various states; now, therefore, be it

Resolved, That the Texas Legislative Council is hereby directed to make a study of the necessity for revising the statutes of this State to adequately protect livestock in this State from the inception of disastrous diseases, and also to study the statutes of other states and the Federal Government dealing with the same subject matter, and to recommend to the 54th Legislature suitable amendments to present laws whereby the livestock in-

dustries will be properly protected at the lowest possible cost; and be it further

Resolved, That a study be made as to equitable methods of compensating livestock owners for losses incurred in following stringent methods of control and eradication.

The resolution was read and was adopted.

Senate Resolution 305

Senator Hardeman offered the following resolution:

Whereas, A large number of Americans, especially Texans, in all walks of life have contributed generously, and are continuing to contribute of their means, to aid the victims of recent tornadoes in San Angelo and Waco, and

Whereas, This spirit of the good neighbor and evidence of the desire to help those in distress is an attribute of the brotherhood of man and of the Fatherhood of God and is a manifestation of the unity of our people, and

Whereas, It is impractical to express appreciation and gratitude to each contributor personally and individually and it being the desire of the Senate of Texas to recognize this generosity to the people of the stricken areas, now, therefore, be it

Resolved, By the Senate of Texas, that the Senate does hereby thus express its appreciation of the response of these fine citizens and organizations in this disaster relief program and that copies of this resolution be furnished the press and radio stations of Texas under the official seal of the Senate for general information.

**HARDEMAN
SECRET**

The resolution was read and was adopted.

House Bill 127 on Second Reading

Senator Shireman asked unanimous consent to suspend the regular order of business to take up for consideration at this time H. B. No. 127.

There was objection.

Senator Shireman then moved to suspend the regular order of business to take up H. B. No. 127.

The motion prevailed by the following vote:

Yeas—23

| | |
|-----------|--------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bracewell | Moore |
| Colson | Parkhouse |
| Fuller | Phillips |
| Hardeman | Rogers |
| Hazlewood | of Childress |
| Kelley | Rutherford |
| Lane | Secrest |
| Latimer | Shireman |
| Lock | Strauss |
| Martin | Weinert |

Nays—3

| | |
|-------------|--------|
| Corbin | Willis |
| Wagonseller | |

Absent

| | |
|------------------|---------|
| Bell | Russell |
| Kazen | Sadler |
| Rogers of Travis | |

The President laid before the Senate for consideration at this time the following bill:

H. B. No. 127, A bill to be entitled "An Act, amending 563 and 564 of the Code of Criminal Procedure of the State of Texas, relating to change of venue in the trial of felony cases; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 127 on Third Reading

Senator Shireman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-----------|--------------|
| Aikin | Martin |
| Ashley | Moffett |
| Bracewell | Moore |
| Colson | Parkhouse |
| Corbin | Phillips |
| Fuller | Rogers |
| Hardeman | of Childress |
| Hazlewood | Rutherford |
| Kazen | Secrest |
| Kelley | Shireman |
| Lane | Strauss |
| Latimer | Weinert |
| Lock | Willis |

Absent

| | |
|------------------|-------------|
| Bell | Russell |
| McDonald | Sadler |
| Rogers of Travis | Wagonseller |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message From the House

Hall of the House of Representatives.

Austin, Texas,

May 26, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 52, A bill to be entitled "An Act to amend Section 1, Chapter 323, Acts of the 52nd Legislature, 1951, by providing that all counties having a population in excess of three hundred fifty thousand (350,000) inhabitants according to the last preceding Federal Census may create the office of County Fire Marshal; repealing all laws in conflict herewith; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 168 by vote of 122 yeas, 1 nay.

S. B. No. 271, A bill to be entitled "An Act permitting the closing of a hunting season in certain counties where a fire hazard is found to exist; prescribing a manner to determine such conditions; repealing laws to extent of conflict; and declaring an emergency."

(With amendments.)

The House has adopted the conference committee report on H. B. 459 by a vote of 104 yeas, 2 nays.

The House has adopted the conference committee report on H. C. R. No. 84 by a vote of 81 yeas, 3 nays.

The House has adopted the conference committee report on H. C. R. No. 83 by a vote of 81 yeas, 3 nays.

The House has adopted the conference committee report on H. C. R. No. 82 by a vote of 81 yeas, 3 nays.

The House has adopted the conference committee report on H. C. R. No. 81 by a vote of 81 yeas, 3 nays.

The House has concurred in Senate amendments to H. B. No. 120 by viva voce vote.

The House has concurred in Senate amendments to H. B. No. 141 by vote of 93 yeas, 0 nays.

The House has concurred in Senate amendments to H. J. R. No. 8 by vote of 105 yeas, 10 nays.

The House has concurred in Senate amendments to H. B. No. 866 by vote of 103 yeas, 11 nays.

The House has concurred in Senate amendments to H. B. No. 769 by vote of 93 yeas, 20 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 571 on Second Reading

Senator Bracewell asked unanimous consent to suspend the regular order of business to take up for consideration at this time H. B. No. 571.

There was objection.

Senator Bracewell then moved to suspend the regular order of business to take up for consideration H. B. No. 571.

The motion prevailed by the following vote:

Yeas—17

| | |
|-----------|--------------|
| Bell | Moffett |
| Bracewell | Moore |
| Colson | Phillips |
| Hazlewood | Rogers |
| Kazen | of Childress |
| Kelley | Rutherford |
| Lane | Secrest |
| Latimer | Strauss |
| Lock | Wagonseller |

Nays—8

| | |
|----------|----------|
| Aikin | Martin |
| Ashley | Shireman |
| Corbin | Weinert |
| Hardeman | Willis |

Absent

| | |
|-----------|------------------|
| Fuller | Rogers of Travis |
| McDonald | Russell |
| Parkhouse | Sadler |

The President laid before the Senate for consideration at this time the following bill:

H. B. No. 571, A bill to be entitled "An Act creating four (4) additional District Courts in Harris County, Texas; etc., and declaring an emergency."

The bill was read the second time.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. No. 571 by striking out the figures "140th" wherever in the bill and substituting the figures "150th."

The amendment was adopted.

On motion of Senator Bracewell and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

Record of Votes

Senators Weinert, Aikin and Hardeman asked to be recorded as voting "nay" on passage of H. B. 571 to third reading.

Motion to Place House Bill 571 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 571 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

| | |
|-----------|--------------|
| Bell | Martin |
| Bracewell | Moffett |
| Colson | Moore |
| Corbin | Phillips |
| Fuller | Rogers |
| Hazlewood | of Childress |
| Kazen | Rutherford |
| Kelley | Secrest |
| Latimer | Strauss |
| Lock | Wagonseller |

Nays—7

| | |
|----------|----------|
| Aikin | Shireman |
| Ashley | Weinert |
| Hardeman | Willis |
| Lane | |

Absent

| | |
|------------------|---------|
| McDonald | Russell |
| Parkhouse | Sadler |
| Rogers of Travis | |

House Bill 138 on Second Reading

Senator Latimer asked unanimous consent to suspend the regular order of business to take up for consideration at this time H. B. No. 138.

There was objection.

Senator Latimer then moved to suspend the regular order of business to take up H. B. No. 138.

The motion prevailed by the following vote:

Yeas—22

| | |
|-----------|--------------|
| Bell | Moffett |
| Bracewell | Parkhouse |
| Colson | Phillips |
| Corbin | Rogers |
| Fuller | of Childress |
| Hazlewood | Rutherford |
| Kazen | Sadler |
| Kelley | Secrest |
| Lane | Shireman |
| Latimer | Strauss |
| Lock | Wagonseller |
| Martin | |

Nays—5

| | |
|----------|---------|
| Aikin | Weinert |
| Ashley | Willis |
| Hardeman | |

Absent

| | |
|----------|------------------|
| McDonald | Rogers of Travis |
| Moore | Russell |

The President laid before the Senate for consideration at this time the following bill:

H. B. No. 138, A bill to be entitled "An Act creating an additional District Court with civil jurisdiction only, which shall have concurrent jurisdiction throughout and coextensive with the territorial limits of Bexar County, to be known as the 136th; etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

Record of Votes

Senators Weinert, Hardeman and Aikin asked to be recorded as voting "nay" on the passage of H. B. No. 138 to third reading.

House Bill 138 on Third Reading

Senator Latimer moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

| | |
|-----------|--------------|
| Bell | Martin |
| Bracewell | Moffett |
| Colson | Parkhouse |
| Corbin | Phillips |
| Fuller | Rogers |
| Hazlewood | of Childress |
| Kazen | Rutherford |
| Kelley | Shireman |
| Lane | Strauss |
| Latimer | Wagonseller |
| Lock | |

Nays—5

| | |
|----------|---------|
| Aikin | Weinert |
| Ashley | Willis |
| Hardeman | |

Absent

| | |
|------------------|---------|
| McDonald | Russell |
| Moore | Sadler |
| Rogers of Travis | Secrest |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Weinert, Hardeman, Aikin and Ashley asked to be recorded as voting "nay" on the final passage of H. B. No. 138.

Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 22, 1958.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be a member of the State Board of Vocational Nurse Examiners to fill the unexpired term of Mrs. Josie Roberts, resigned, term to expire September 1, 1955, Carroll McCrary of Tyler, Smith County;

To be members of the Board of Regents, North Texas State College, for terms to expire May 25, 1959, Jack Sisco of Corsicana, Navarro County; Frank Storm, Jr., of Amarillo, Potter

County; Carl Rountree of Lamesa, Dawson County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

**Motion to Suspend Constitutional
Three-Day Rule to Place House
Bill 571 on Third Reading**

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 571 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—23

| | |
|-----------|--------------|
| Bell | Moffett |
| Bracewell | Moore |
| Colson | Parkhouse |
| Corbin | Phillips |
| Fuller | Rogers |
| Hazlewood | of Childress |
| Kazen | Rutherford |
| Kelley | Sadler |
| Latimer | Secrest |
| Lock | Strauss |
| Martin | Wagonseller |
| McDonald | Willis |

Nays—6

| | |
|----------|----------|
| Aikin | Lane |
| Ashley | Shireman |
| Hardeman | Weinert |

Absent

Rogers of Travis Russell

Senate Bill 247 on Second Reading

On motion of Senator Bell and by unanimous consent the regular order of business was suspended to take up for consideration at this time S. B. No. 247. (The bill having been read the second time on Tuesday, May 12, 1953, and committee amendment No. 1 adopted thereon.)

Question—Shall S. B. No. 247 be passed to engrossment?

Senator Bell offered the following committee amendment to the bill:

Amend Section 19 of S. B. No. 247, by inserting in line three (3) thereof between the words "state" and "shall" the following words: "unless exempted under the provisions of Section 6 of this Act,"

The committee amendment was adopted.

Senator Bell offered the following committee amendment to the bill:

Amend S. B. No. 247, page 11, Section 10, line 8 by deleting the following: "within any three of the preceding five years before the application"

The committee amendment was adopted.

Senator Bell offered the following committee amendment to the bill:

Amend S. B. No. 247, page 20, Section 22, subsection A, by changing the words and figures "Twenty-five (\$25.00) Dollars" to "Fifteen (\$15.00) Dollars"

Senator Aikin offered the following substitute for the committee amendment:

Substitute for committee amendment No. 4:

Amend S. B. No. 247, Section 22, subsection A by striking out the words and figures \$25.00 and insert in lieu thereof the words and figures \$10.00.

The substitute for the committee amendment was adopted.

The committee amendment as substituted was then adopted.

Senator Bell offered the following committee amendment to the bill:

Amend S. B. No. 247, Section 17, by striking out the word "creditable" in the second paragraph thereof and inserting the word "credible" in lieu thereof.

The committee amendment was adopted.

Senator Bell offered the following amendment to the bill:

Amend S. B. No. 247 by adding the following at the end of the first sentence of Section 11 and after the words "violation of this Act":

"; provided, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 247, Section 1,

subsection 6, page 4, line 4, by striking out the words "or proving" and line 6 by striking out the words "prima facie" and inserting in lieu thereof the words "be proved to."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 247, Section 1, subsection 11, page 7, line 59, by changing the date "August 1" to "October 1."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 247, Section 1, page 15, line 16, by striking out the quotation mark and the figure "29" and inserting the figure "2" in lieu and by striking out the quotation mark and the figure "30" in line 25 and inserting in lieu the figure "3."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 247 by striking out Subsection 13, Section 1.

Senator Bell moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, it was adopted.

On motion of Senator Bell and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 247 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-----------|-----------|
| Aikin | Hardeman |
| Ashley | Hazlewood |
| Bell | Kazen |
| Bracewell | Lane |
| Corbin | Latimer |
| Fuller | Lock |

| | |
|-----------|-------------|
| Martin | Rutherford |
| McDonald | Secrest |
| Moffett | Shireman |
| Moore | Strauss |
| Parkhouse | Wagonseller |
| Phillips | Weinert |
| Rogers | Willis |

of Childress

Nays—1

Sädler

Absent

Colson
Kelley

Rogers of Travis
Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Martin and Wagonseller asked to be recorded as voting "nay" on the final passage of S. B. No. 247.

House Joint Resolution 37 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 37, A resolution proposing an amendment to Article III of the Constitution of the State of Texas by adding thereto another Section to be designated Section 51g; providing that the Legislature shall have the power to pass such laws as may be necessary to enable the State to enter into agreements with the Federal Government to obtain coverage for employees of the State and its political subdivisions and for the employees of any joint instrumentality of this State and any other State or States under the old age and survivors insurance provisions of the Federal Social Security Act; providing the Legislature may appropriate funds for the purpose of carrying out such agreements and may authorize the obligations necessary to obtain such coverage; prescribing the form of the ballot; providing for the proclamation and publication thereof.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. No. 37, by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Article III of the Constitution of the State of Texas be and the same is hereby amended by adding another Section thereto following Section 51f, to be designated Section 51g, to read as follows:

"Section 51g. The Legislature shall have the power to pass such laws as may be necessary to enable the State to enter into agreements with the Federal Government to obtain for proprietary employees of its political subdivisions coverage under the old-age and survivors insurance provisions of Title II of the Federal Social Security Act as amended. The Legislature shall have the power to make appropriations and authorize all obligations necessary to the establishment of such Social Security coverage program.

"Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1954, at which all ballots shall have printed thereon:

"FOR the Amendment to the Constitution of the State of Texas authorizing the Legislature to provide for agreements between the State of Texas and the Federal Government to obtain Federal Social Security coverage for proprietary employees of its political subdivisions.

"AGAINST the Amendment to the Constitution of the State of Texas authorizing the Legislature to provide for agreements between the State of Texas and the Federal Government to obtain Federal Social Security coverage for proprietary employees of its political subdivisions.

"Each voter shall scratch out one (1) of said clauses on the ballot, leaving the one (1) expressing his vote on the proposed Amendment. In counties or other subdivisions using voting machines, the above provisions for voting for and against this Constitutional Amendment shall be placed on said machine and each voter shall vote on such machine for or against the Constitutional Amendment.

"Section 3. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. No. 37 by striking out all of the preamble, beginning in the middle of page 1 and ending with the second line on page 2.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent of the Senate, the caption was amended to conform to the body of the resolution as amended.

The resolution, as amended, was passed to third reading.

House Joint Resolution 37 on Third Reading

Senator Martin moved that the constitutional rule requiring resolutions be read on three several days be suspended and that H. J. R. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-----------|-------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Moore |
| Bracewell | Parkhouse |
| Colson | Phillips |
| Corbin | Rutherford |
| Fuller | Secret |
| Hazlewood | Shireman |
| Kazen | Strauss |
| Lane | Wagonseller |
| Latimer | Weinert |
| Lock | Willis |
| Martin | |

Nays—2

| | |
|----------|------------------------|
| Hardeman | Rogers of Childress |
|----------|------------------------|

Absent

| | |
|------------------|---------|
| Kelley | Russell |
| Rogers of Travis | Sadler |

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—28

| | |
|--------|-----------|
| Aikin | Bracewell |
| Ashley | Colson |
| Bell | Corbin |

| | |
|-----------|--------------|
| Fuller | Parkhouse |
| Hardeman | Phillips |
| Hazlewood | Rogers |
| Kazen | of Childress |
| Kelley | Rutherford |
| Lane | Secrest |
| Latimer | Shireman |
| Lock | Strauss |
| Martin | Wagonseller |
| McDonald | Weinert |
| Moffett | Willis |
| Moore | |

Absent

| | |
|------------------|--------|
| Rogers of Travis | Sadler |
| Russell | |

House Bill 523 on Second Reading

Senator McDonald asked unanimous consent to suspend the regular order of business to take up for consideration at this time H. B. No. 523.

There was objection.

Senator McDonald then moved to suspend the regular order of business to take up H. B. No. 523.

The motion prevailed by the following vote:

Yeas—21

| | |
|-----------|--------------|
| Bracewell | Moore |
| Corbin | Parkhouse |
| Fuller | Rogers |
| Hardeman | of Childress |
| Hazlewood | Rutherford |
| Kazen | Secrest |
| Kelley | Shireman |
| Latimer | Strauss |
| Lock | Wagonseller |
| Martin | Weinert |
| McDonald | Willis |

Nays—6

| | |
|--------|---------|
| Aikin | Colson |
| Ashley | Lane |
| Bell | Moffett |

Absent

| | |
|------------------|---------|
| Phillips | Russell |
| Rogers of Travis | Sadler |

The President laid before the Senate for consideration at this time the following bill:

H. B. No. 523, A bill to be entitled "An Act providing that the natural source of calcium carbonate, the weight of the combined trace minerals and the amount of all inert matter used in mixed feeds or mixed minerals shall be clearly stated on all tags, labels and other printed mat-

ter which manufacturers, importers, agents and sellers of feeding stuff are required to attach, use, furnish or submit by the provisions of Articles 3872 through 3881, Revised Civil Statutes of 1925, and Articles 1489 through 1498, Revised Penal Code of 1925; providing this Act is to be enforced by the Texas Feed Control Service and the Texas Agricultural Experiment Station; providing a severability clause; and declaring an emergency."

The bill was read the second time.

Pending discussion of the bill, Senator McDonald withdrew the bill.

House Bill 914 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 914, A bill to be entitled "An Act amending Chapter 206, Acts of the Regular Session of the 42nd Legislature, 1931, by adding a section thereto to be known as Section 10a, providing that in the preparation of county budgets estimates shall be made of the revenue to be derived from taxes levied and collected during the year for which the budget is prepared and the estimate of revenue available during such year shall include the revenue to be derived from such taxes; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and passed to third reading.

Motion to Place**House Bill 914 on Third Reading**

Senator Kazen moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 914 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

| | |
|-----------|----------|
| Ashley | Lane |
| Bracewell | Latimer |
| Corbin | Lock |
| Hazlewood | McDonald |
| Kazen | Moffett |

| | |
|------------|-------------|
| Moore | Secrest |
| Parkhouse | Strauss |
| Phillips | Wagonseller |
| Rutherford | Willis |
| Sadler | |

Nays—6

| | |
|----------|--------------|
| Aikin | Rogers |
| Hardeman | of Childress |
| Martin | Russell |
| | Shireman |

Absent

| | |
|--------|------------------|
| Bell | Kelley |
| Colson | Rogers of Travis |
| Fuller | Weinert |

Senate Bill 65 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business to take up for consideration at this time S. B. No. 65.

There was objection.

Senator Moore then moved to suspend the regular order of business to take up S. B. No. 65.

The motion prevailed by the following vote:

Yeas—22

| | |
|-----------|-------------|
| Ashley | Moore |
| Bell | Phillips |
| Colson | Russell |
| Corbin | Rutherford |
| Fuller | Sadler |
| Hardeman | Secrest |
| Hazlewood | Shireman |
| Kazen | Strauss |
| Martin | Wagonseller |
| McDonald | Weinert |
| Moffett | Willis |

Nays—7

| | |
|---------|--------------|
| Aikin | Lock |
| Kelley | Parkhouse |
| Lane | Rogers |
| Latimer | of Childress |

Absent

| | |
|-----------|------------------|
| Bracewell | Rogers of Travis |
|-----------|------------------|

The President laid before the Senate for consideration at this time the following bill:

S. B. No. 65, A bill to be entitled "An Act to amend Chapter 421, Article XI, Section 89, Acts 1947, Fiftieth Legislature, Regular Session, repealing all laws and parts of laws in conflict; and declaring an emergency."

The bill was read second time and passed to engrossment.

Motion to Place Senate Bill 65 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 65 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—23

| | |
|-----------|-------------|
| Ashley | Moffett |
| Bell | Moore |
| Bracewell | Phillips |
| Colson | Russell |
| Corbin | Rutherford |
| Fuller | Secrest |
| Hardeman | Shireman |
| Hazlewood | Strauss |
| Kazen | Wagonseller |
| Lane | Weinert |
| Martin | Willis |
| McDonald | |

Nays—7

| | |
|---------|--------------|
| Aikin | Parkhouse |
| Kelley | Rogers |
| Latimer | of Childress |
| Lock | Sadler |

Absent

Rogers of Travis

House Bill 632 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 632, A bill to be entitled "An Act amending Article 7298 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for a four-year Statute of Limitations for delinquent personal property taxes; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the passage of H. B. No. 632 to third reading.

Motion to Place House Bill 632 on Third Reading

Senator Parkhouse moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 632 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

| | |
|-----------|-------------|
| Ashley | Moore |
| Bell | Parkhouse |
| Bracewell | Phillips |
| Corbin | Rutherford |
| Fuller | Secrest |
| Hazlewood | Shireman |
| Kazen | Strauss |
| Kelley | Wagonseller |
| Latimer | Willis |
| McDonald | |

Nays—10

| | |
|----------|--------------|
| Aikin | Moffett |
| Colson | Rogers |
| Hardeman | of Childress |
| Lane | Sadler |
| Lock | Weinert |
| Martin | |

Absent

Rogers of Travis Russell

House Bill 914 on Third Reading

Senator Kazen moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 914 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

| | |
|-----------|--------------|
| Bell | Moffett |
| Bracewell | Moore |
| Corbin | Parkhouse |
| Fuller | Phillips |
| Hazlewood | Rogers |
| Kazen | of Childress |
| Kelley | Rutherford |
| Lane | Strauss |
| Latimer | Wagonseller |
| Lock | Willis |
| McDonald | |

Nays—3

| | |
|--------|--------|
| Ashley | Sadler |
| Martin | |

Absent

| | |
|------------------|----------|
| Aikin | Russell |
| Colson | Secrest |
| Hardeman | Shireman |
| Rogers of Travis | Weinert |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Martin, Hardeman and Kelley asked to be recorded as voting "nay" on the final passage of H. B. No. 914.

Senate Bill 271 With House Amendments

Senator Lock called S. B. No. 271 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate concur in the House amendments.

The motion prevailed.

(Senator Moffett in the Chair.)

Conference Committee Report on House Bill 325

Senator Hardeman submitted the following Conference Committee report on H. B. No. 325.

Austin, Texas,
May 26, 1953.

Hon. Ben Ramsey, President of the Senate.

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 325, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HARDEMAN
AIKIN
LANE
SHIREMAN

ASHLEY

On the part of the Senate.

JOHNSON

BURKETT of Kerr

KIMBROUGH

CHAPMAN

JOSEPH

On the part of the House.

H. B. No. 325, A bill to be entitled "An Act to provide for licensing of veterinarians and regulation of the practice of veterinary medicine; making an appropriation; repealing Title 127, Veterinary Medicine and Surgery, Articles 7448 through 7465, Revised Civil Statutes of Texas, 1925, and Articles 1526 through 1532 of the Penal Code of Texas, 1925; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. This Act may be cited as "The Veterinary Licensing Act."

Section 2. (a) As used in this Act, except where the context otherwise requires, "Veterinarian" means any person who is licensed to practice Veterinary Medicine by the Texas State Board of Veterinary Medical Examiners.

(b) Any person shall be deemed in the "Practice of Veterinary Medicine" who represents himself as engaged in the practice of veterinary medicine; or uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, or any person who performs a surgical or dental operation or who diagnoses, treats, immunizes or prescribes any drug, medicine, application or veterinary appliance for any physical ailment, injury, deformity or condition of domestic animals, for compensation.

(c) "Board" means the State Board of Veterinary Medical Examiners.

(d) "Licensee" means any person holding a license to practice veterinary medicine issued by the Board.

(e) "Applicant" means any person requesting that the Board examine his qualifications for the practice of veterinary medicine or requesting the issuance or renewal of a license.

(f) "License" means license to practice veterinary medicine.

Section 3. The provisions of this Act shall not apply nor shall the fol-

lowing be construed as the practice of veterinary medicine:

(1) treatment or caring for animals in any manner personally by the owner thereof, or by any employee of the owner thereof.

(2) performance of the operation of male castration on domestic animals, or docking or ear-marking of domestic animals.

(3) performance of the operation of dehorning cattle, or the spaying of large animals, or operation in aid of the birth process in large animals.

(4) drenching and spraying of domestic animals for internal or external parasites, or vaccination for black-leg, shipping fever, or sore mouth.

(5) recommendation by a retail distributor of a medicine, remedy or insecticide which is adequately labeled and has been duly registered with the Texas State Department of Health as required by the Texas Livestock Remedy Act when the retail distributor is advised by the customer of the type of ailment which he wishes to treat.

(6) treatment and caring for poultry and rabbits.

(7) branding animals in any manner.

Section 4. No person shall practice, offer or attempt to practice veterinary medicine in this state without first having obtained a valid license to do so from the Texas Board of Veterinary Medical Examiners.

Section 5. The Governor shall, within thirty (30) days after this Act becomes effective, appoint six (6) persons who shall constitute a State Board of Veterinary Medical Examiners. Each member appointed to the Board shall have resided in the State of Texas and practiced veterinary medicine for six (6) years next preceding his appointment; be of good repute; and not be a member of the faculty of any veterinary medical college or of the veterinary medical department of any college or have a financial interest in such college. The term of office of each member of the Board shall be for six (6) years, except for those first appointed under this Act, and of those so appointed, the Governor shall designate two (2) members who shall serve for terms of two (2) years; two (2) members who shall serve for terms of four (4) years; and two (2) members who shall serve for terms of six (6) years. Members appointed to fill vacancies re-

sulting from death or resignation shall serve the unexpired term of the member who died or resigned, and the present members of the State Board of Veterinary Medical Examiners shall remain in office and perform their duties until the new Board members, provided for in this Act, are appointed and have qualified. Each member of the Board created by this Act shall take the Constitutional Oath of Office and cause a copy of such oath, signed by the member, to be filed with the Secretary of State before entering into the duties of his office. Four (4) members of the Board shall constitute a quorum, and at its first meeting, and annually thereafter, the Board shall elect from its membership a president and such other officers as it deems necessary or convenient. Each member of the Board shall receive as compensation ten dollars (\$10) per day for each day he is engaged in the duties of his office, together with the actual necessary expenses incurred in the performance of such duties.

Section 6. The Board may employ an executive secretary and such other persons as it deems advisable to carry out the purposes of this Act, and shall require the executive secretary, charged with the safekeeping of the monies and proper disbursement of the veterinary fund provided for in this Act, to file with the Board a surety bond in an amount not less than five thousand dollars (\$5,000), conditioned on the faithful performance of the duties of his office.

Section 7. The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

Section 8. The Board may from time to time adopt, alter, or amend, rules of professional conduct consistent with this Act as prescribed in subsections (a) through (d) of Section 14, and appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine. Prior to the adoption of any rule or amendment of a rule of professional conduct, the Board shall give notice of such proposed action by publishing the text of such proposed rule or amendment thereto in a newspaper of general circulation at least thirty (30) days in advance of any meeting called to consider the adoption of such rule or regulation, or change therein.

Section 9. The Board shall issue and renew licenses for the practice of veterinary medicine as provided for in this Act, and shall keep a record in which shall be registered the name and residence or place of business of all persons licensed to practice veterinary medicine in this State.

Section 10. The following persons are qualified to be licensed veterinarians: (a) Any person not previously licensed in this State is qualified to be licensed, provided:

- (1) he is of good moral character;
- (2) he is a citizen of the United States;
- (3) he is at least twenty-one (21) years of age;
- (4) he is a graduate of a reputable school or college of veterinary medicine as approved by the Board;
- (5) he successfully completes the examination conducted by the Board;
- (6) the Board does not refuse issuance of the license as provided in Section 14 (Refusing Examination, License or Renewal).

(b) Any person licensed to practice veterinary medicine by authorities other than those in Texas, provided such license is in full force and effect, may in each instance apply for a license, and, in the discretion of the Board, be licensed under the terms of reciprocity agreements. The Board may arrange for reciprocity in license with the proper authorities of other states and territories of the United States having requirements substantially equal to those established by subsection (a) of this section.

Section 11. Any person in Texas holding a previously issued license which is still in effect on the effective date of this Act, shall be deemed licensed under this Act, entitled to practice veterinary medicine, and subject to the provisions of this Act applicable to licensees.

Section 12. The Board shall hold regular meetings at least twice each year for the holding of examinations as provided in this Act, at such times and places as it deems convenient for applicants for examinations. Notice of meetings for holding examinations shall be given by publication in such newspapers or periodicals as the Board may select, and the Board shall examine all qualified applications for examinations as follows:

(a) Examinations shall be on subjects and operations pertaining to veterinary medicine, including veteri-

nary anatomy, veterinary pathology, chemistry, veterinary obstetrics, sanitary science, veterinary practice, veterinary jurisprudence, veterinary physiology and bacteriology and such other subjects as are regularly taught in reputable schools of veterinary medicine.

(b) Examinations may be given orally, in writing, or a practical demonstration of the applicant's skill, or any combination of these as the Board may determine.

(c) Applicants shall demonstrate such standards of proficiency as the Board may determine is essential for a qualified veterinarian.

Section 13. Licenses shall expire March 1st of each calendar year, and any licensee may renew his license on or before March 1st by making written application to the Board setting forth such facts as the Board may require, and by paying the required fee. Any person whose license expires, or has expired prior to the effective date of this Act, may, in the discretion of the Board, renew his license by making written application to the Board setting forth such facts as the Board may require, and by payment of annual renewal fees in arrears and an additional fee of five dollars (\$5.00), provided, however, that the requirements governing the payment of the annual renewal fee and the penalty for late renewal shall not apply to licensees who are on active duty with the Armed Forces of the United States of America, and are not engaged in private or civilian practice.

Section 14. The Board may revoke or suspend any license, may refuse to examine an applicant, to issue a license or to issue a renewal of a license, after notice and hearing as provided in Section 15 of this Act, or as provided by the rules of the Board, if it finds that an applicant:

(a) has presented to the Board dishonest or fraudulent evidence of qualification; has been guilty of illegal fraud or deception in the process of examination, or for the purpose of securing a license;

(b) is chronically or habitually intoxicated or is addicted to drugs;

(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(d) has been convicted of a felony involving moral turpitude under the laws of this or any other state or of the United States.

Section 15. Proceedings by the Board for the suspension or revocation of a license to practice veterinary medicine shall be as follows:

(a) Proceedings may be instituted by any member of the Board or its employees or by any other person, by filing with the Board a sworn statement setting forth the grounds upon which the person presenting the statement believes the Board should revoke or suspend the license.

(b) Upon the filing of such statement the executive secretary shall cause such investigation to be made as he deems necessary to determine the existence of such grounds, and if the executive secretary is of the opinion that grounds for suspension or revocation of a license exist, he shall cause appropriate entries to be made on a hearing docket and shall fix a time and place for hearing as may be prescribed by the rules of the Board.

(c) The executive secretary shall cause notice of the hearing to be given the licensee, whose license is under consideration for suspension or revocation, not less than ten (10) days prior to the date fixed for hearing. Notice of hearing shall be served as is provided by law in civil cases in the District Courts of this State, and shall contain a brief statement of the statutory grounds upon which revocation or suspension of license is being considered; the date, time and place of hearing; and a statement that the licensee may appear and offer such evidence as is pertinent to the question of revocation or suspension of license.

(d) The Board shall conduct hearings under such rules as the Board may adopt, and may administer oaths and subpoena and compel attendance of witnesses, deemed by the Board or the licensee to have knowledge which would aid the Board in reaching a proper decision and for enforcement of this Act, in the same manner as the District Courts of this State in civil proceedings.

(e) The Board may, by a three-fourths vote of the members of the Board present, evidenced by the signatures of such members on the order, reprimand a licensee or order an accused licensee's license suspended for such time as the Board may determine, or order his license revoked.

Section 16. Within thirty (30) days after issuance of an order by the Board suspending or revoking a li-

cense, or the refusal of the Board to examine qualifications, or refusal by the Board to issue or renew a license, the affected applicant or licensee may appeal such order or refusal to the district court of the county of his residence. And the trial in said court shall be de novo as in cases of appeal from justice court to county court in the State of Texas, and upon final hearing the court shall enter its judgment suspending or revoking said license or refusing to suspend or revoke said license as the court or jury may determine. Either party may appeal as in other civil cases.

Section 17. The Attorney General or the district attorney of the district shall institute proceedings to enjoin the practice of veterinary medicine in their respective jurisdictions, if the person sought to be enjoined is practicing veterinary medicine without a license; and the person sought to be enjoined has been convicted of unlawful practice of veterinary medicine under Section 18 of this Act. No injunction shall issue except after final trial on the merits, and procedure shall be the same as in other suits for injunction except as otherwise required by this Act. If on final trial it is shown that the defendant has been unlawfully practicing veterinary medicine, the court shall permanently enjoin the defendant from the unlawful practice of veterinary medicine. Remedy by injunction is cumulative of other remedies for prevention of unlawful practice of veterinary medicine.

Section 18. Penalties.

(a) Any member or employee of the Board who issues a license other than as provided in this Act, or who gives an applicant for examination a list of questions to be propounded at the examination, shall be fined not less than Two Hundred Dollars (\$200), nor more than One Thousand Dollars (\$1,000).

(b) Any person who practices, offers or attempts to practice veterinary medicine in this State without first having complied with the provisions of this Act shall be fined not less than Twenty-five Dollars (\$25), nor more than Two Hundred Dollars (\$200). Each day of practicing, attempting or offering to practice is a separate offense.

Section 19. Applicants for examinations shall pay to the Board a fee of Twenty-five Dollars (\$25), and an

applicant for license under the reciprocal provisions of this Act shall pay the Board a fee of Fifty Dollars (\$50) at the time of application to the Board for such license. Licensees shall pay to the Board for annual renewal of licenses, a fee of not less than Five Dollars (\$5) nor more than Twenty Dollars (\$20) as determined by the Board, based upon the needs of the Board, and a licensee whose license has been lost or destroyed shall be issued a duplicate license after application and upon payment of a fee of Ten Dollars (\$10).

Section 20. All fees collected by the Board under this Act shall be placed in the State Treasury every thirty (30) days, as collected, to the credit of a special fund to be known as the "Veterinary Fund," and all expenditures from this fund shall be on order of the Board, on warrants issued by the State Comptroller for the purposes and in the amounts fixed by the Legislature in appropriation bills; except, however, for the first biennium from and after the effective date of this Act, the State Board of Veterinary Medical Examiners shall have power and authority to expend such funds as they now have, and to receive, collect and expend all such funds for the compensation and expenses of the Board members and employee salaries and other expenses for the administration and enforcement of this Act. On August 31 of each year, all money in excess of twenty thousand dollars (\$20,000) remaining in said "Veterinary Fund" shall revert to the General Revenue Fund by the State Treasury.

Section 21. The compensation and expenses of Board members, the salaries and expenses of employees, and all other costs of the Board in the administration of this Act shall be paid from the Veterinary Fund created by this Act, and no monies for such purposes shall be paid from the General Fund of this State.

Section 22. Title 127, Veterinary Medicine and Surgery, Articles 7448 through 7465, Revised Civil Statutes of Texas, 1925, and Articles 1526 through 1532, Penal Code of Texas, 1925, are hereby repealed.

Section 23. The fact that the proper regulation of the practice of veterinary medicine in this State is of utmost importance creates an emergency and an imperative public necessity that the constitutional rule re-

quiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Joint Resolution 5 With House Amendments

Senator Bracewell called S. J. R. No. 5 from the President's table for consideration of the House amendments to the resolution.

The presiding officer laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate concur in the House amendments.

The motion was lost by the following vote (not receiving a two-thirds vote of the Members of the Senate).

Yeas—18

| | |
|-----------|--------------|
| Bell | Phillips |
| Bracewell | Rogers |
| Fuller | of Childress |
| Hazlewood | Russell |
| Kazen | Rutherford |
| Kelley | Sadler |
| Latimer | Secrest |
| Lock | Shireman |
| Martin | Strauss |
| McDonald | |

Nays—12

| | |
|----------|-------------|
| Aikin | Moffett |
| Ashley | Moore |
| Colson | Parkhouse |
| Corbin | Wagonseller |
| Hardeman | Weinert |
| Lane | Willis |

Absent

Rogers of Travis

Reason for Vote

I voted against the concurring to House amendments to Senate Joint Resolution No. 5 because if this proposed amendment is written into the Texas Constitution it would allow me, as a Member of the Legislature, to help set my own salary. I believe the salaries of Members of the Legislature should be increased by a vote

of the people—but not by Members of the Legislature.

DOYLE WILLIS

(President in the Chair.)

Senate Joint Resolution 5 With House Amendments

Senator Bracewell called S. J. R. No. 5 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed by the following vote:

Yeas—27

| | |
|-----------|--------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Phillips |
| Bracewell | Rogers |
| Colson | of Childress |
| Fuller | Russell |
| Hardeman | Rutherford |
| Hazlewood | Sadler |
| Kazen | Secrest |
| Kelley | Shireman |
| Lane | Strauss |
| Latimer | Wagonseller |
| Lock | Weinert |
| Martin | Willis |

Nays—3

| | |
|--------|-----------|
| Corbin | Parkhouse |
| Moore | |

Absent

Rogers of Travis

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution:

Senators Bracewell, Latimer, Kelley, Strauss and Moffett.

Executive Session

On motion of Senator Bracewell, and by unanimous consent, the Senate agreed to hold an executive session at 12:17 o'clock p. m. today.

Accordingly, the presiding officer directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the State Board of Barber Examiners, for six-year term, to expire May 19, 1959:

Dana Powell of Austin, Travis County.

To be a member of the State Board of Examiners in the Basic Sciences, to fill the unexpired term of Dr. Ophelia C. Wesley, resigned, term to expire July 23, 1957:

Dr. Paul C. Witt of Abilene, Taylor County.

To be members of the Burial Association Rate Board, for six-year terms, to expire June 12, 1959:

J. E. Keever of Ennis, Ellis County; Jack Corley of Austin, Travis County.

To be members of the State Board of Dental Examiners, for six-year terms to expire May 24, 1959:

Dr. Roy F. McCasland of Tulia, Swisher County; Dr. William T. Gibbs of Mission, Hidalgo County.

To be members of the State Board of Embalming for six-year terms, to expire May 13, 1959:

Thomas E. Schier of Houston, Harris County; J. B. Ashcraft of Harlingen, Cameron County.

To be members of the Upper Guadalupe River Authority, for terms to expire January 1, 1959:

Frank A. Thomason of Center Point, Kerr County; J. F. Stallings of Kerrville, Kerr County.

To be a member of the Livestock Sanitary Commission, for term to expire May 4, 1959:

Clyde R. Stevens of San Antonio, Bexar County.

To be members of the State Parks Board, for terms to expire May 15, 1959:

Raymond Dillard of Mexia, Lime-

stone County; Maurice Turner of Huntsville, Walker County.

To be Pecos River Compact Commissioner for Texas, for term to expire May 5, 1955:

J. C. Wilson of Pecos, Reeves County.

To be a member of the Pink Bollworm Commission, for two-year term to fill unexpired term of Robert Knispel, resigned:

Gus Schneider of Maxwell, Caldwell County.

To the members of the State Board of Plumbing Examiners, for six-year terms to expire May 28, 1959:

E. G. Hughes of Pampa, Gray County; Joe Bland of Austin, Travis County.

To be members of the San Antonio River Authority, for term to expire May 5, 1959:

Martin Giesecke of San Antonio, Bexar County; M. L. Roark of San Antonio, Bexar County; Alf Schroeter of Runge, Karnes County.

To be members of the San Jacinto Park Commission, for terms to expire May 23, 1955:

Miss Mary Tod of Houston, Harris County; W. T. Kendall of Houston, Harris County; Charles E. Gilbert, Jr., of Houston, Harris County.

To be Chairman and Executive Director of the Texas Employment Commission, for term to November 21, 1958 (effective July 1, 1953):

Weldon Hart of Austin, Travis County.

To be District Attorney for the 75th Judicial District, to fill the unexpired term of C. B. Cain, resigned (effective June 1, 1953):

Grover C. Lowe of Woodville, Tyler County.

To be members of the Veterans' Affairs Commission, for terms to expire June 12, 1959:

Johnny U. Foster of Lufkin, Angelina County; Albert D. Brown, Jr., of San Antonio, Bexar County.

To be Pilot Commissioners for Sabine Bar, Pass and Tributaries, terms to expire June 15, 1955:

T. T. Hunt of Beaumont, Jefferson County; A. M. Phelan of Beaumont, Jefferson County; Neal D. Rader of

Port Arthur, Jefferson County; Mack A. Pond of Port Arthur, Jefferson County; Howard A. Peterson of Orange, Orange County.

To be Pilot Commissioners for Galveston-Texas City, terms to expire April 15, 1955:

Anthony Stjepceovich of Galveston, Galveston County; Robert I. Cohen, III, of Galveston, Galveston County; William E. Pinckard of Galveston, Galveston County; W. P. Tarpey, Jr., of Texas City, Galveston County; M. L. Waugh of Texas City, Galveston County.

To be Branch Pilots for the Houston Ship Channel and Galveston Bar for the Port of Houston, for term to expire March 5, 1955:

Roy C. Blodgett of Harris County.

For terms to expire February 12, 1955: H. C. Cage of Harris County; M. E. Palmer of Harris County; D. O. Duncan of Harris County.

To be a member of the State Board of Vocational Nurse Examiners, to fill the unexpired term of Mrs. Josie Roberts, resigned, term to expire September 7, 1955:

Carroll McCrary of Tyler, Smith County.

To be members of the Board of Regents, North Texas State College, for terms to expire May 25, 1959:

Jack Sisco of Corsicana, Navarro County; Frank Storm, Jr., of Amarillo, Potter County; Carl Rountree of Lamesa, Dawson County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:39 o'clock p. m. today.

Message From the House

Hall of the House of Representatives.

Austin, Texas,
May 26, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 127, A bill to be entitled "An Act amending Article 727a, Code of Criminal Procedure of this State, to include reference to the laws of the United States; and declaring an emergency."

S. C. R. No. 69, A resolution authorizing Federal Power Commission to promulgate rules and regulations whereby gas may be sold to royalty owners for domestic consumption and for use in irrigation purposes.

The House has concurred in Senate amendments to H. B. No. 427 by vote of viva voce.

The House has granted the request of the Senate for the appointment of a conference committee on S. J. R. No. 5.

Johnson, Crothwait, Svadlenak, Murphy and Berlin.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 306

Senator Sadler offered the following resolution:

Whereas, For many years the Texas Legislative Service has been supervised by Walter E. Long, a distinguished citizen of Austin, who has been outstanding in his consideration for and determination to be helpful to the members of the Senate; and

Whereas, During this, the Regular Session of the 53rd Legislature, the Texas Legislative Service has presented to each member several copies of the roster of the Members of the Texas Legislature, including photographs of the Members, and districts and counties represented; and

Whereas, In addition to the gift of these rosters the Texas Legislative Service has delivered to each Member each morning a copy of its daily report, giving in condensed form a resume of the activities in each House for the previous day, including a brief summary of each bill introduced, committee reports, bills passed, and other actions in the House and Senate; and

Whereas, These daily reports and the roster have been of great value and benefit to the Members and have been furnished at no cost to the Senate; and

Whereas, We appreciate this consideration at the hands of the Texas Legislative Service and of Mr. Long; now, therefore, be it

Resolved, By the Senate of Texas, that this be our expression to Mr. Walter E. Long and to all the staff of the Texas Legislative Service, of our sincere gratitude and thanks for this

worth-while service during the Regular Session of the 53rd Legislature.

SADLER.

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Harde-
man, Hazlewood, Kazen, Lane, Latimer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Aikin, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Resolution 307

Senator Willis offered the following resolution:

Whereas, The State of Texas and the City of Fort Worth take great pride in claiming Ben Hogan as a citizen, and

Whereas, This great golfer rose from the ranks of caddy on Fort Worth's golf courses to international fame as the magnificent sportsman and idol of American youth that he is, and

Whereas, His is a Horatio Alger story of grit, determination and courage that lifted him from near death to golfdom immortality, and

Whereas, "Bantam Ben" was told by doctors four years ago that "he would never walk again," following an automobile accident, and

Whereas, Ben defied medical knowledge by not only walking, but returning to his incomparable game on the golf links, and

Whereas, Ben Hogan has golfed his way into the hearts of millions through his winning of 54 major tournaments and displaying in each the indomitable spirit and clean sportsmanship that each Texan inherits from the men who have made Texas what it is today; and

Whereas, This golfer recently came from behind to win for the fourth time the National Colonial Invitational Golf Tournament; now, therefore, be it

Resolved, That the Senate of the

State of Texas do officially recognize Ben Hogan for his scintillating golfing accomplishments, clean competitive spirit and inspiration to the youth of Texas, and that copies of this resolution be sent to Ben Hogan, his good wife, Valerie, and brother, Royal Hogan, and to officials of the Colonial Country Club of Fort Worth.

WILLIS
HARDEMAN
SADLER
ASHLEY.

The resolution was read and was adopted.

Senate Resolution 308

Senator Aikin offered the following resolution:

Whereas, Mrs. J. W. E. H. Beck, wife of late Senator J. W. E. H. Beck, has brought honor to the State of Texas, and to herself; and

Whereas, Mrs. Beck pioneered the Information Desk in the Rotunda of the State Capitol; and

Whereas, The many school children and visitors to the State Capitol have received valuable information on Texas history; and

Whereas, This Information Desk has been a great convenience and courtesy to school children, teachers, visitors and state employees; now, therefore, be it

Resolved, That we do now recognize her valuable services here and express our gratitude to Mrs. Beck for service she is rendering; and, be it further

Resolved, That a copy of this resolution be sent to Mrs. J. W. E. H. Beck.

HARDEMAN
AIKIN

Signed—Ben Ramsey, Lieutenant Governor; Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hazlewood, Kazen, Lane, Latimer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Kelley, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Resolution 309

Senator Russell offered the following resolution:

Whereas, The Senate and the State of Texas is soon to suffer a great loss; and

Whereas, This loss is being occasioned by the departure of our able and conscientious Sergeant-at-Arms, "Judge" Stephen L. Haley, by reason of the fact that he is to enter the private practice of law; and

Whereas, It is the desire of the Senate to gratefully acknowledge his faithful service and his untiring efforts; now, therefore, be it

Resolved, By the Senate, that we express our appreciation to "Judge" Haley and wish for him great success and happiness for the future.

**RUSSELL
HARDEMAN**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hazlewood, Kazen, Lane, Latimer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Corbin, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 310

Senator Wagonseller offered the following resolution:

Whereas, The Senate has had the services of a fine young Texan as its reading clerk; and

Whereas, This young man has been faithful to his duties and courteous in the discharge thereof; and

Whereas, It is the desire of the Senate to express its appreciation to its reading clerk, Dan Collie, and wish him well in his future undertakings; now, therefore, be it

Resolved, By the Senate of Texas, that it officially extend its appreciation to Dan Collie for his services and that he be furnished a copy of this resolution by the charming and efficient secretary of the Senate.

**WAGONSELLER
HARDEMAN**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hazlewood, Kazen, Lane, Latimer, Lock, Kelley, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Weinert, Willis.

The resolution was read.

On motion of Senator Bell, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Recess

On motion of Senator Hardeman the Senate at 12:43 o'clock p. m., took recess until 3:00 o'clock p. m. today.

After Recess

The presiding officer (Senator Moffett in the Chair), called the Senate to order at 3:00 o'clock p. m. today.

**Senate Bill 335 With
House Amendments**

Senator Bracewell called S. B. No. 335 from the President's table for consideration of the House amendments to the bill.

The presiding officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 303 With
House Amendments**

Senator Parkhouse called S. B. No. 303 from the President's table for consideration of the House amendments to the bill.

The presiding officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed.

**Senate Bill 312 With
House Amendments**

Senator Wagonseller called S. B. No. 312 from the President's table for consideration of the House amendments to the bill.

The presiding officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Wagonseller moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Concurrent Resolution 70

Senator Aikin offered the following resolution:

S. C. R. No. 70, Suspending Joint Rules to consider H. B. No. 149.

Be It Resolved, by the Senate, the House of Representatives concurring, that the Joint Rules be suspended in order that the Senate may consider H. B. No. 149 at any time.

The resolution was read.

Senator Aikin asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Aikin then moved to consider the resolution immediately and the motion prevailed.

The resolution was then adopted.

Adjournment

On motion of Senator Hardeman the Senate at 3:20 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Mr. Terrell Combest

Senator Rogers of Childress offered the following resolution:

(Senate Resolution 311)

Whereas, Our Heavenly Father in His infinite wisdom, did call from his earthly labors Mr. Terrell Combest, at the age of eighty-four, a pioneer farmer of Olton, Lamb County, Texas; and

Whereas, Mr. Combest, a citizen of Olton for thirty-four years, was a charter member of the Olton Church of Christ and one of its founding fathers and an elder in the Church of Christ for many years; and

Whereas, Mr. Terrell Combest's death culminated an outstanding lifetime of service and devotion, not only to his family, but also to his church and community; and

Whereas, He was married to Miss Lilly Mason on August 4, 1904, and to their union were born three surviving children, Mr. Glen Combest of Olton, Mrs. Ike Walker of Gainesville, and Mrs. Elmo Bryant of Olton; and

Whereas, His passing is greatly mourned by his family and many friends and it is the desire of the Senate of Texas to recognize and pay tribute to the memory and useful life of this noble pioneer of Texas by recording its sorrow and expressing its sincerest sympathy to the surviving members of the family; now, therefore, be it

Resolved, By the Senate of Texas, that a copy of this resolution be sent to members of the bereaved family, that a page in the Journal be set aside in his memory; and that when the Senate adjourns today it do so in honor of the memory of Terrell Combest.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mr. Jim Skipworth

Senator Rogers of Childress offered the following resolution:

(Senate Resolution 312)

Whereas, Our Heavenly Father in His infinite wisdom did call from his earthly labors Mr. Jim Skipworth at the age of seventy-six, an honored leader of the City of Dimmitt, Castro County, Texas; and

Whereas, Jim Skipworth was a pioneer of Texas, an outstanding stockman, banker and city official, having served as City Secretary of Dimmitt from 1937 until his recent retirement in 1952; and

Whereas, He and his good wife, Mrs. Mabel Smith Skipworth, were married in 1901 and after 50 years together along the pathways of life observed their golden wedding anniversary on Christmas Day of 1951; and

Whereas, Jim Skipworth consistently demonstrated an active interest in public affairs and uniformly rendered outstanding public service to his State and community; and

Whereas, He was a member of the Methodist Church and his passing is greatly mourned by his family and his many friends; and

Whereas, The Senate of Texas desires to record its sorrow and to the surviving members of the family of the deceased express its sincerest sympathy with the hope that its appreciation and recognition of his useful life may, in some measure, lighten the burden of their bereavement; now, therefore, be it

Resolved, By the Senate of the State of Texas, that a page in the Journal be set aside in his memory; that a copy of this resolution be sent to the surviving members of his family; and that when the Senate adjourns today it do so in honor of the memory of Jim Skipworth.

The resolution was read and was adopted by a rising vote of the Senate.